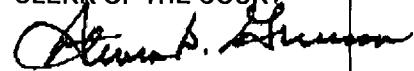


EXHIBIT A

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Steven D. Grierson
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Al Lasso, Esq.

Nevada Bar No.:8152

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Attorney for Plaintiff

CASE NO: A-21-833533-C
Department 27

DISTRICT COURT**CLARK COUNTY, NEVADA**

* * *

ERIC HOWE, an Individual;

Case No.:

Dept. No.:

Plaintiff,

v

ALBERTSON'S LLC., d/b/a ALBERTSON'S,
a Foreign Limited-Liability Company; DOES I
through XX, inclusive, and ROE BUSINESS
ENTITIES I through XX, inclusive,

Defendants.

COMPLAINT

COMES NOW, Plaintiff, ERIC HOWE, by and through his attorney of record, AL LASSO, ESQ., of LASSO INJURY LAW, LLC., for his causes of action against Defendants ALBERTSON'S LLC. d/b/a ALBERTSON'S ("Defendants"); alleges as follows.

GENERAL ALLEGATIONS

1. That at all times herein mentioned, Plaintiff, ERIC HOWE, was, and is an individual residing in the County of Clark, State of Nevada.

2. At all times relevant hereto, upon information and belief, Defendant, ALBERTSON'S LLC. d/b/a ALBERTSONS, (hereafter "Defendant" or "ALBERTSON'S"), is and was a Foreign

1 Limited-Liability Company, doing business in the County of Clark, State of Nevada. Upon
2 information and belief, this Defendant owned, operated or was otherwise responsible for the business
3 located at 4055 S. Durango Dr. Las Vegas, NV 89147. This business is also referred to herein as "the
4 Subject premises" or "the Subject Supermarket."

5 3. Defendant ALBERTSON'S owned the Subject premises at the time of the incident
6 described herein.

7 4. Defendant ALBERTSON'S operated the Subject Premises at the time of the incident
8 described herein.

9 5. That the true names and capacities, whether individual, corporate, agents, associate,
10 or otehrwise of Defendants, DOES I through XX and/or ROE BUSINESS ENTITIES I through XX,
11 inclusive. are individuals and/or entities of unknown form whose names and capacities are unknown
12 to the Plaintiff, who, therefore, sue said Defendants by said fictitious names. The Plaintiff is informed
13 and believe, and thereon allege, that each of the Defendants designated as DOE and/or ROE
14 BUSINESS ENTITIES, , are any one of the following:
15

16
17 (a) A party responsible in some manner for the events and happenings herein
18 referred to, and in some manner proximately caused the injuries and damages thereby to the Plaintiff
19 as herein alleged;

20
21 (b) Parties that were the agents, servants, employees, and contractors of the
22 Defendants, and each of them, acting within the course and scope of their agency, employment, or
23 contract;
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(c) Parties that owned, lease, manage, operate, secure, inspect, repair, maintain, entrusted and/or are responsible for the premises located at 4055 S. Durango Dr. Las Vegas, NV 89147 and/or the defective condition which caused Plaintiff's injuries and damage, as described herein;

(d) Parties that have assumed or retained the liabilities of any of the Defendants by virtue of an agreement, sale, transfer or otherwise;

(e) Parties or contractors who managed, maintained, repaired or cleaned the area, including nearby equipment, where the incident occurred;

(f) Parties that performed repairs or made modifications to the area where the incident occurred;

(g) Parties responsible for performing inspections of the area where the incident occurred so as to ensure its safety to patron; and/or

(h) Parties responsible for constructing, designing or providing engineering services for the area where this incident occurred.

6. Plaintiff specifically complains and alleges one or more causes of action against these parties. However, as of the filing of this Complaint, Plaintiff is not sure as to whether those entities are individuals, partnerships, limited partnerships, corporations, associations of individuals and business, or some other form of business ownership. When the same have been ascertained by the Plaintiff, together with the appropriate charging allegations, Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and capacities of said Defendants, DOES I through XX and/or ROE BUSINESS ENTITIES I through XX, inclusive and to join such Defendants in this action.

COMMON FACTS

7. On May 5, 2019, during normal business hours, Plaintiff ERIC HOWE, A 51-year-old man, entered the Subject Supermarket to shop.

8. After entering the market, Plaintiff ERIC HOWE was shopping in the store when suddenly and without warning, he slipped on a liquid substance on the floor, causing him to violently fall to the floor and sustain serious injuries.

9. At the time of Plaintiff ERIC HOWE'S fall, and at the location of his fall, there was no barrier or sign indicating the prescene of any liquid substance. This liquid substance created a hazard for patrons such as the Plaintiff ERIC HOWE. The hazard is also referred to herein as "the condition."

10. Defendant ALBERTSON'S possesses video of the Subject Incident.

11. As a result of Plaintiff's fall, he suffered serious injuries and damages, including but not limited to, a right shoulder tear, posterior disc protrusion C2-3, C3-4, C4-5 and C6-7, impingement of the right shoulder, posterior disc bulge C5-6, right annular tear L3-4 and L5-S1, posterior disc bulge L4-5, Posterior disc protrusion L3-4, L5-S1 with severe narrowing.

12. That Defendants, and each of them, owed to the general public and, specifically to Plaintiff a duty to provide safe ingress and egress from, in, through and around the business establishment of the Defendants.

13. That on or about May 5, 2019, the Defendants, and each of them, intentionally, negligently, carelessly and/or recklessly failed to inspect, maintain, own, control, or manage the aforementioned premises by permitting the aforementioned dangerous and inappropriately inspected and maintained area to develop and remain in the common area floor in an area where the Defendants,

1 and each of them, knew, or through the exercise of reasonable diligence, should have known, that
2 Plaintiff and other invitees would be on the premises.

3 **FIRST CAUSE OF ACTION**

4 **(Negligence-Against All Defendants)**

5 14. Plaintiff repeats and realleges each and every fact set forth in the preceding
6 paragraphs, as though set forth in full at this time.

7
8 15. Pursuant to the preceding paragraph, Plaintiff alleges that, at all relevant times,
9 Defendants and each of them were responsible for maintaining the area that Plaintiff alleges herein
10 was both unreasonably dangerous and caused Mr. Howe to fall to the ground.

11 16. It was the duty of the Defendants, and each of them, to own, maintain, manage,
12 supervise, entrust and operate said premises so as not to negligently, carelessly and recklessly cause
13 injury or damage to others, including Plaintiff ERIC HOWE, but the Defendants, and each of them,
14 were negligent in ways that included, but were not limited to, the following:

15 (a) The Defendants, individually or jointly, maintained, controlled, and/or created a
16 dangerous condition on the premises;

17
18 (b) The subject condition was dangerous, and Defendants did not make any efforts to warn
19 others, including the Plaintiff, regarding the condition, knowing that its presence reasonably and
20 foreseeably could, and would, result in serious injuries;

21 (c) The dangerous condition was created by the Defendants' agents' or employees'
22 negligence, and acts and/or omissions occurred within the scope of employment or work with
23 Defendants;

24
25 (d) Its is further alleged that Defendants, and each of them, and their employees,
26
27

1 contractors and/or subcontractors, had sufficient actual and/or constructive notice of the dangerous
2 condition in sufficient time before the above-described incident, in order to take reasonable measure
3 to protect patrons, including Plaintiff;

4 (e) Defendants, and each of them, failed to provide full, fair, and adequate warning of
5 dangers which could be incurred in the use of the flooring, which proximately caused the injuries
6 suffered by Plaintiff as herein alleged; and

7 (f) The Defendants knew or should have known that a danger existed. Nonetheless,
8 Defendants, and each of them, did not take steps to alleviate or correct the dangerous condition, nor
9 to warn of its existence.

10 17. As a direct and proximate result of the aforesaid negligence, carelessness and
11 recklessness of the Defendants, and each of them, the Plaintiff ERIC HOWE sustained injuries to his
12 body, all of which caused and will continue to cause general damages in the form of physical, mental,
13 and pain and suffering in an amount in excess of \$15,000.00, to be proven at trial.

14 18. As a direct and proximate result of the aforesaid negligence, carelessness and
15 recklessness of the Defendants, and each of them, the Plaintiff ERIC HOWE was required to incur
16 medical and related expenses in an amount in excess of \$15,000.00, to be proven at trial.

17 19. As a direct and proximate result of the aforesaid negligence, carelessness and
18 recklessness of the Defendants, and each of them, the Plaintiff ERIC HOWE will be required in the
19 future to incur expenses for and to employ physicians, nurses, physical therapists, and to procure
20 hospitalization, medicine, and general medical care and attention, in a gross amount in excess of
21 \$15,000.00, to be proven at trial.

22 20. Plaintiff has secured the services of an attorney in order to prosecute this action and,
23 therefore, Plaintiff is entitled to reasonable attorneys' fees and costs incurred herein.

SECOND CLAIM FOR RELIEF

(Negligent Inspection/Maintenance-Against All Defendants)

21. Plaintiff repeats and realleges each and every fact and allegation contained in the above paragraphs, and incorporates the same by reference as though fully set forth herein.

22. Plaintiff is informed and believes and thereon alleges that on or before the times herein mentioned, Defendants, and each of them, did so negligently inspect and/or maintain the location of the common area referred to as the flooring and/or was allowed to develop and to remain in the common area and directly in the path of pedestrian invitees, and, specifically, Plaintiff, ERIC HOWE.

23. That said Defendants owed Plaintiff a duty of reasonable care in the conduct of their respective businesses to inspect and/or maintain the common area flooring free from defects and/or dangerous conditions which would allow a defect to develop and remain in an area of pedestrian invitee traffic which could, thereby, cause harm to human beings and, specifically, to Plaintiff, ERIC HOWE.

24. That Plaintiff, ERIC HOWE'S, injuries and damages as herein alleged were the direct and proximate result of the negligence of the Defendants, and each of them, in inspecting and/or maintaining said common area which said Defendants knew was to be used by business invitees such as Plaintiff, and by the general public, and which Defendants knew, or in the exercise of reasonable care, should have known contained a dangerous condition or defect which created a risk of harm to Plaintiff ERIC HOWE.

25. That as a direct and proximate cause of the aforesaid negligence, carelessness and/or recklessness of the Defendants, and each of them, and herein alleged, and in inspecting and/or maintaining the subject premises, Plaintiff, ERIC HOWE, sustained injuries, suffered a shock to his system, emotional trauma, and great pain, suffering; that further, Plaintiff, ERIC HOWE, suffered

1 serious injuries and damages, including but not limited to, a right shoulder tear, posterior disc
2 protrusion C2-3, C3-4, C4-5 and C6-7, impingement of the right shoulder, posterior disc bulge C5-6,
3 right annular tear L3-4 and L5-S1, posterior disc bulge L4-5, Posterior disc protrusion L3-4, L5-S1
4 with severe narrowing.

5 26. That as a direct and proximate result of the aforesaid negligence of the Defendants,
6 and each of them, Plaintiff, ERIC HOWE, has been required and may be required in the future to
7 incur expenses for and to employ physicians, nurses, physical therapists, and to procure x-rays,
8 medications and general medical care and attention.

9 27. That as a further direct and proximate result of the negligence of the Defendants, and
10 each of them, Plaintiff, ERIC HOWE, has sustained injuries and damages in excess of Fifteen
11 Thousand Dollars (\$15,000.00).

12 28. By reason of the premises, and as a proximate result thereof, Plaintiff has been caused
13 to incur expenses as and for attorney's fees and costs of suit herein and Plaintiff is entitled, pursuant
14 to contract, rule or statute, or as an element of damages, to compensation for those expenditures in
15 an amount to be determined by the Court, as well as for the costs of suit herein.

16 THIRD CAUSE OF ACTION

17 (Third Party Beneficiary)

18 29. Plaintiff repeats and realleges each and every fact and allegation contained in the
19 above paragraphs and incorporates the same by reference as though fully set forth herein.

20 30. Plaintiff, ERIC HOWE, as a patron of ALBERTSON'S, was a Third-Party
21 Beneficiary of contracts and/or agreements with respect to the construction, operation, maintenance
22 or repair of the subject floor.
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1 and other similar investigations into potential employees; resume, prior to employment retention;

2 (f) Properly and adequately supervise and manage employees once there were
3 hired;

4 (g) Properly and adequately train employees and instruct them as to their job
5 duties and responsibilities;

6 (h) Properly and adequately oversee, control, issue regulations regarding the
7 conduct of employees;

8 (i) Properly and adequately upkeep, inspect, maintain, and repair the Subject
9 Premises common areas, and the floor of the Subject Premises;

10 (j) Properly and adequately delineate maintenance, inspection, and repair job
11 duties and responsibilities to employees, and agents, acting on their behalf; and

12 (k) Properly, adequately, and responsibly setup mechanisms to ensure that all
13 areas and equipment, including the subject premises, are reasonably kept in proper and working
14 order for customers, including Plaintiff ERIC HOWE.
15

16
17 37. As a direct and proximate result of the aforesaid negligence, carelessness and
18 recklessness of the Defendants, and each of them, Plaintiff sustained injuries to his body, all of
19 which caused and will continue to cause general damages in the form of physical, mental, and pain
20 and suffering in an amount in excess of \$15,000.00;

21 38. As a direct and proximate result of the aforesaid negligence, carelessness and
22 recklessness of the Defendants, and each of them, Plaintiff was required to incur medical and
23 related expenses in an amount to be proven upon trial.
24

25 39. As a direct and proximate result of the aforesaid negligence, carelessness and
26 recklessness of the Defendants, and each of them, Plaintiff will be required in the future to incur
27

1 expenses for and to employ physicians, nurses, physical therapists, and to procure hospitalization,
2 medicine, and general medical care and attention, all in amounts to be proven upon trial.

3 40. As a further direct and proximate result, Plaintiff suffered a loss of past and future
4 household services.

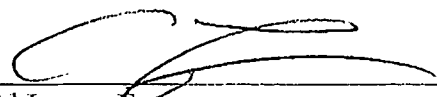
5 41. Plaintiff, ERIC HOWE has been required to engage the services of LASSO INJURY
6 LAW, LLC. to prosecute this matter, and Plaintiff ERIC HOWE is entitled to reasonable attorney's
7 fees and costs therefor.
8

9 WHEREFORE, Plaintiff herein, expressly reserving his right to amend this Complaint up to
10 and including the time of trial to include all items and amounts of damages not yet specifically
11 ascertained, prays this Court for its judgment against the Defendants, and each of them, as follows:

- 12 1. For general damages and out-of-pocket expenses in excess of \$15,000.00;
13 2. For special damages in excess of \$15,000.00;
14 3. For Plaintiff's reasonable attorney's fees;
15 4. For Plaintiff's costs and disbursements of suit; and,
16 5. For such other and further relief as the Court may seem just and equitable in the
17 premises.
18

19 DATED this 26th day of April 2021.

20 LASSO INJURY LAW

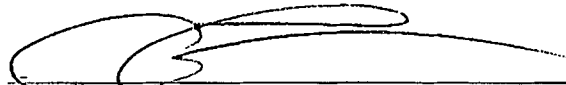
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23 Al Lasso, Esq.
24 Nevada Bar No. 008152
25 10161 Park Run Dr., Suite 150
26 Las Vegas, NV 89145
27 (702) 835-6980— Telephone
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as a matter of right.

DATED this 26th day of April 2021.

LASSO INJURY LAW



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